



## Proposed Regulation Agency Background Document

<b>Approving authority name</b>	State Air Pollution Control Board
<b>Primary action</b>	9VAC5-45
<b>Secondary action(s)</b>	Article 48, 9VAC5-40
<b>Regulation title</b>	Regulations for the Control and Abatement of Air Pollution
<b>Action title</b>	Consumer and Commercial Products (Rev. J07)
<b>Date this document prepared</b>	Enter date this form is uploaded on the Town Hall

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.*

A new chapter (9VAC5-45) is established for the control of volatile organic compound (VOC) emissions from various consumer and commercial products. The new chapter consists of two parts. The first part of the new chapter contains general requirements pertaining to all of the types of consumer and commercial products regulated. The second part is composed of articles that contain VOC content and emission standards for individual types of consumer products and contain the control technology, testing, monitoring, administrative, recordkeeping and reporting requirements necessary to determine compliance with each of the applicable standards.

The new chapter includes two articles that control VOC emissions from portable fuel containers and spouts in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. These articles implement design, performance, and labeling standards for portable fuel container products before and after May 1, 2010 and prohibit owners from manufacturing, distributing, and selling noncompliant products.

The new chapter includes two articles that control VOC emissions from certain types of consumer products in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. These articles implement VOC content standards for some individual product categories before and after May 1, 2010 and prohibit owners from manufacturing, distributing, advertising or selling noncompliant products.

The new chapter includes an article for the control of VOC emissions from architectural and industrial maintenance coatings in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control

Areas. This article implements VOC content standards for all such coating products and prohibits owners from manufacturing, distributing, selling and using noncompliant products.

The new chapter includes an article that controls VOC emissions from adhesives, adhesive primers, sealants and sealant primers in the Northern Virginia, Richmond and Fredericksburg VOC Emissions Control Areas. This article implements VOC content limits for those products and prohibits owners from manufacturing, distributing, selling or applying noncompliant products.

The new chapter also includes an article that controls VOC emissions from asphalt paving operations in all VOC Emissions Control Areas, which prescribes the use of emulsified asphalt coatings except for the purpose of coating residential driveways and prohibits the mixing, storage and application of noncompliant products.

Chapter 40, Article 48 currently controls VOC emissions from mobile equipment repair and refinishing operations in the Northern Virginia and Fredericksburg VOC Emissions Control Areas. This article is being amended to implement these controls in the Richmond VOC Emissions Control Area also.

This regulatory action incorporates all of the changes proposed by revision D06 (Consumer and Commercial Products). In addition, this action (i) expands applicability of four of the seven new articles proposed in revision D06 into the Richmond VOC Emissions Control Area, (ii) revises the compliance dates, and (iii) amends Chapter 40, Article 48 concerning mobile equipment repair and refinishing, to expand the applicability of that article into the Richmond VOC Emissions Control Area. When revision D06 becomes effective, the changes made in revision D06 will be removed from this proposal.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Written assurance from the Office of the Attorney General that the State Air Pollution Control Board possesses the statutory authority to promulgate the proposed regulation amendments is available upon request.

### Promulgating Entity

The promulgating entity for this regulation is the State Air Pollution Control Board.

### Federal Requirements

Identification of Specific Applicable Federal Requirements:

Ozone is formed by complex series of reactions between nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) under the influence of solar ultraviolet radiation (sunlight). Ozone shows a very strong diurnal (daily) and seasonal (April to October) cyclical character. Ozone injures vegetation, has adverse effects on materials (rubber and fabrics), and is a pulmonary irritant that affects respiratory mucous membranes, lung tissues, and respiratory functions.

The original ozone air quality standard that was the focus of air quality planning requirements after the promulgation of the 1990 Amendments to the Clean Air Act was a 1-hour standard. Since then, EPA has promulgated a new 8-hour ozone air quality standard, and associated designation of nonattainment areas, which necessitates the initiation of new plans and regulatory actions.

40 CFR Part 81 specifies the designations of areas made under § 107(d) of the CAA and the associated nonattainment classification (if any) under § 181 of the CAA or 40 CFR 51.903(a), as applicable. On April 30, 2004 (69 FR 23858), EPA published its final decision as to the 8-hour nonattainment areas and associated classifications. The new designations are effective June 15, 2004. The Commonwealth of Virginia designations are in 40 CFR 81.347.

40 CFR Part 51, Subpart X, contains the provisions for the implementation of the 8-hour ozone NAAQS, along with the associated planning requirements. On April 30, 2004 (69 FR 23951), EPA published phase 1 of its final rule adding Subpart X to 40 CFR Part 51. Specifically, 40 CFR 51.903(a) sets forth the classification criteria and nonattainment dates for 8-hour ozone nonattainment areas once they are designated as such under 40 CFR Part 81. The remainder of the planning requirements (phase 2) were published on November 29, 2005 (70 FR 71612).

The state regulations established VOC and NO<sub>x</sub> emissions control areas to provide the legal mechanism to define the geographic areas in which Virginia implements control measures to attain and maintain the air quality standards for ozone. The emissions control areas may or may not coincide with the nonattainment areas, depending on the necessity of the planning requirements.

General Federal Requirements:

Sections 109 (a) and (b) of the Clean Air Act (CAA) require EPA to prescribe primary and secondary air quality standards to protect public health and welfare, respectively, for each air pollutant for which air quality criteria were issued before the enactment of the 1970 Clean Air Act. These standards are known as the National Ambient Air Quality Standards (NAAQS). Section 109 (c) requires the U.S. Environmental Protection Agency (EPA) to prescribe such standards simultaneously with the issuance of new air quality criteria for any additional air pollutant. The primary and secondary air quality criteria are authorized for promulgation under § 108.

Once the NAAQS are promulgated pursuant to § 109, § 107(d) sets out a process for designating those areas that are in compliance with the standards (attainment or unclassifiable) and those that are not (nonattainment). Governors provide the initial recommendations but EPA makes the final decision. Section 107(d) also sets forth the process for redesignations once the nonattainment areas are in compliance with the applicable NAAQS.

Section 110(a) of the CAA mandates that each state adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each primary and secondary air quality standard within each air quality control region in the state. The state implementation plan shall be adopted only after reasonable public notice is given and public hearings are held. The plan shall include provisions to accomplish, among other tasks, the following:

(1) establish enforceable emission limitations and other control measures as necessary to comply with the provisions of the CAA, including economic incentives such as fees, marketable permits, and auctions of emissions rights;

(2) establish schedules for compliance;

(3) prohibit emissions which would contribute to nonattainment of the standards or interference with maintenance of the standards by any state; and

(4) require sources of air pollution to install, maintain, and replace monitoring equipment as necessary and to report periodically on emissions-related data.

40 CFR Part 50 specifies the NAAQS: sulfur dioxide, particulate matter, carbon monoxide, ozone (its precursors are nitrogen oxides and volatile organic compounds), nitrogen dioxide, and lead.

40 CFR Part 51 sets out requirements for the preparation, adoption, and submittal of state implementation plans. These requirements mandate that any such plan shall include several provisions, including those summarized below.

Subpart G (Control Strategy) specifies the description of control measures and schedules for implementation, the description of emissions reductions estimates sufficient to attain and maintain the standards, time periods for demonstrations of the control strategy's adequacy, an emissions inventory, an air quality data summary, data availability, special requirements for lead emissions, stack height provisions, and intermittent control systems.

Subpart K (Source Surveillance) specifies procedures for emissions reports and record-keeping; procedures for testing, inspection, enforcement, and compliance; transportation control measures; and procedures for continuous emissions monitoring.

Subpart L (Legal Authority) specifies the requirements for legal authority to implement plans.

Section 51.230 under Subpart L specifies that each state implementation plan must show that the state has the legal authority to carry out the plan, including the authority to perform the following actions:

(1) adopt emission standards and limitations and any other measures necessary for the attainment and maintenance of the national ambient air quality standards;

(2) enforce applicable laws, regulations, and standards, and seek injunctive relief;

(3) abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons;

(4) prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard;

(5) obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require record-keeping and to make inspections and conduct tests of air pollution sources;

(6) require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; and

(7) make emissions data available to the public as reported and as correlated with any applicable emission standards or limitations.

Section 51.231 under Subpart L requires the identification of legal authority as follows:

(1) the provisions of law or regulation which the state determines provide the authorities required under this section must be specifically identified, and copies of such laws or regulations must be submitted with the plan; and

(2) the plan must show that the legal authorities specified in this subpart are available to the state at the time of submission of the plan.

Subpart N (Compliance Schedules) specifies legally enforceable compliance schedules, final compliance schedule dates, and conditions for extensions beyond one year.

Part D describes how nonattainment areas are established, classified, and required to meet attainment. Subpart 1 provides the overall framework of what nonattainment plans are to contain, while Subpart 2 provides more detail on what is required of areas designated nonattainment for ozone.

Section 171 defines "reasonable further progress," "nonattainment area," "lowest achievable emission rate," and "modification."

Section 172(a) authorizes EPA to classify nonattainment areas for the purpose of assigning attainment dates. Section 172(b) authorizes EPA to establish schedules for the submission of plans designed to achieve attainment by the specified dates. Section 172(c) specifies the provisions to be included in each attainment plan, as follows:

(1) the implementation of all reasonably available control measures as expeditiously as practicable and shall provide for the attainment of the national ambient air quality standards;

(2) the requirement of reasonable further progress;

(3) a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutants in the nonattainment area;

(4) an identification and quantification of allowable emissions from the construction and modification of new and modified major stationary sources in the nonattainment area;

(5) the requirement for permits for the construction and operations of new and modified major stationary sources in the nonattainment area;

(6) the inclusion of enforceable emission limitations and such other control measures (including economic incentives such as fees, marketable permits, and auctions of emission rights) as well as schedules for compliance;

(7) if applicable, the proposal of equivalent modeling, emission inventory, or planning procedures; and

(8) the inclusion of specific contingency measures to be undertaken if the nonattainment area fails to make reasonable further progress or to attain the national ambient air quality standards by the attainment date.

Section 172(d) requires that attainment plans be revised if EPA finds inadequacies. Section 172(e) authorizes the issuance of requirements for nonattainment areas in the event of a relaxation of any national ambient air quality standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to these same areas before such relaxation.

Section 107(d)(3)(D) provides that a state may petition EPA to redesignate a nonattainment area as attainment and EPA may approve the redesignation subject to certain criteria being met. Section 107(d)(3)(E) stipulates one of these criteria, that EPA must fully approve a maintenance plan that meets the requirements of § 175A.

According to § 175A(a), the maintenance plan must be part of a SIP submission, and must provide for maintenance of the NAAQS for at least 10 years after the redesignation. The plan must contain any additional measures, as needed, to ensure maintenance. Section 175A(b) further requires that 8 years after redesignation, a maintenance plan for the next 10 years must then be submitted. As stated in § 175A(c), nonattainment requirements continue to apply until the SIP submittal is approved. Finally, § 175A(d) requires that the maintenance plan contain contingency provisions which will be implemented should the area fail to maintain the NAAQS as provided for in the original plan.

Under Part D, Subpart 2, § 181 sets forth the classifications and nonattainment dates for 1-hour ozone nonattainment areas once they are designated as such under § 107(d).

Section 184 establishes an Ozone Transport Region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia. The Ozone Transport Commission is to assess the degree of interstate transport of the pollutant or precursors to the pollutant throughout the transport region, assess strategies for mitigating the interstate pollution, and to recommend control measures to ensure that the plans for the relevant States meet the requirements of the Act.

40 CFR Part 81 specifies the designations of areas made under § 107(d) of the CAA and the associated nonattainment classification (if any) under § 181 of the CAA or 40 CFR 51.903(a), as applicable.

40 CFR Part 51, Subpart X, contains the provisions for the implementation of the 8-hour ozone NAAQS, along with the associated planning requirements. Specifically, 40 CFR 51.903(a) sets forth the classification criteria and nonattainment dates for 8-hour ozone nonattainment areas once they are designated as such under 40 CFR Part 81.

#### State Requirements

These specific amendments are not required by state mandate. Rather, Virginia's Air Pollution Control Law gives the State Air Pollution Control Board the discretionary authority to promulgate regulations "abating, controlling and prohibiting air pollution throughout or in any part of the Commonwealth" (§ 10.1-

1308 A). The law defines such air pollution as "the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people or life or property" (§ 10.1-1300).

The Air Pollution Control Law (§ 10.1-1308 B) specifically requires that any regulation that prohibits the selling of a consumer product not restrict the continued sale of the product by retailers of any existing inventories in stock at the time the regulation is promulgated.

**Purpose**

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

The purpose of these regulations is to require owners to limit emissions of air pollution from portable fuel containers, certain consumer products, architectural and industrial maintenance coatings, adhesives and sealants, mobile equipment repair and refinishing operations, and paving operations to the level necessary for (i) the protection of public health and welfare, and (ii) the attainment and maintenance of the air quality standards. The proposed amendments are being made to adopt new standards for the control of VOC emissions from adhesive and sealants in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas and to adopt new and revised standards for the control of VOC emissions from portable fuel containers and certain consumer products within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. The proposed amendments are also being made to extend VOC emissions controls for architectural and industrial maintenance coatings and mobile equipment repair and refinishing operations into the Richmond VOC Emissions Control Area. This action is being taken to allow Virginia to meet its obligation to implement control measures in areas designated as nonattainment under the 8-hour ozone standard and to implement contingency measures within former nonattainment areas that have been redesignated as ozone maintenance areas.

**Substance**

*Please briefly identify and explain the new substantive provisions (for new regulations), the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)*

The proposed regulatory action adds a new chapter (9VAC5-45) specifically for regulations pertaining to consumer and commercial products and is applicable to specific product types and the owners that are involved in the manufacture, distribution, retail sales and in some cases, the marketing and use of those products in certain VOC Emissions Control Areas. This proposed regulatory action also amends an article in Chapter 40 that pertains to shops that apply some types of consumer and commercial products in VOC Emissions Control Areas.

In Part I of the new Chapter 45, special provisions specify the general testing, monitoring, compliance, notification, recordkeeping and reporting requirements that are applicable to all articles in the new chapter and specify certain other sections of the regulations that are not generally applicable. Exceptions to the special provisions are addressed in each individual article of the new chapter.

In Part II of the new Chapter 45:

1. The proposed regulatory action establishes standards for Portable Fuel Containers for products manufactured before and after May 1, 2010 as new Articles 1 and 2 in Chapter 45, respectively, and applies to all of the products subject to the current provisions of Chapter 40, Article 42 Portable Fuel Container Spillage. Article 1 clarifies some Article 42 exemptions and definitions, adds another exemption category, removes obsolete standards and their associated administrative requirements, and provides criteria for sell-through of products. Because Article 1 applies to all products manufactured before May 1, 2010 and is designed to replace Chapter 40, Article 42, the compliance schedule proposed for Article 1 is the same as that in Chapter 40, Article 42. Article 2 applies to all portable fuel container products manufactured on or after May 1, 2010 and requires board pre-certification of new portable fuel container products as compliant with new labeling requirements and with new and more stringent design and performance standards. Article 2 also includes applicability to a new category of owner, and adds (i) new and revised exemptions, (ii) new certification procedures, (iii) new testing standards, and (iv) alternative compliance provisions for innovative products over those provisions now applicable under Chapter 40, Article 42. The new Article 2 specifies a compliance deadline no later than May 1, 2010. The new Article 1 will apply only in the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The new Article 2 will apply in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. Chapter 40, Article 42 will be repealed at an appropriate time after the standards in the new Article 1 are effective.

2. The proposed regulatory action establishes standards for Consumer Products manufactured before and after May 1, 2010 as a new Articles 3 and 4 in Chapter 45, respectively and applies to all of the products subject to the current provisions of Chapter 40, Article 50 Consumer Products. Article 3 pertains to consumer products manufactured before May 1, 2010, clarifies some definitions and standards, makes the Alternative Control Plan procedures more flexible, revises labeling, reporting and other administrative requirements, and clarifies sell-through criteria. Article 3 applies to all products manufactured before May 1, 2010 and is designed to replace Chapter 40, Article 50, therefore the compliance schedule proposed for Article 3 is the same as Chapter 40, Article 50. Article 4 applies to all consumer products manufactured after May 1, 2010 and includes all of the changes made in Article 3, adds more definitions and standards for some new product categories and establishes new labeling and other administrative requirements. Article 4 specifies a compliance deadline no later than May 1, 2010. The new Article 3 will apply only in the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The new Article 4 will apply in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. Chapter 40, Article 50 will be repealed at an appropriate time after the standards in the new Articles 3 and 4 are effective.

3. The proposed regulatory action establishes standards for Architectural and Industrial Maintenance Coatings and incorporates all of the provisions of Chapter 40, Article 49 Emission Standards for Architectural and Industrial Maintenance Coatings into a new Article 5 in Chapter 45, except that the new Article 5 removes some obsolete reporting requirements and changes the remaining one to a recordkeeping requirement. The standards and other provisions of the new Article 5 are not substantively changed from what is in Chapter 40, Article 49, therefore no new compliance dates are proposed for the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The standards and other provisions are being extended into the Richmond VOC Emissions Control Area with a proposed compliance deadline of May 1, 2010. Chapter 40, Article 49 will be repealed at an appropriate time after the new Article 5 standards are effective.

4. The proposed regulatory action will add a new regulation, Article 6 in the new chapter 45, which establishes new emission standards for Adhesives and Sealants. The provisions of this article apply to owners who sell, supply, offer for sale or manufacture for sale commercial adhesives, sealants, adhesive primers or sealant primers that contain volatile organic compounds within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas. The provisions will also apply to owners that use, apply for compensation or solicit the use or application of such products in those areas. Exempted from the regulation is any such product manufactured in the Northern Virginia, Fredericksburg or Richmond VOC Emissions Control Areas for shipment and use outside of these areas. The provisions of this regulation will not apply to a manufacturer or distributor who sells, supplies, or offers for sale such products that do not comply with the VOC standards as long as the manufacturer or distributor can

demonstrate both that the product is intended for shipment and use outside of those areas and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the product is not distributed in those areas. A number of product-specific exemptions are also allowed. VOC content limits are specified for different product categories. Control technology guidelines are offered as an alternate means of achieving compliance with the standards. Test methods, registration requirements and recordkeeping procedures are provided. This article specifies a compliance deadline of May 1, 2010.

5. The proposed regulatory action establishes standards for asphalt paving operations and incorporates all of the provisions of Chapter 40, Article 39 Emission Standards for Asphalt Paving Operations as a new Article 7 in Chapter 45. Applicability provisions in Article 7 apply to owners instead of sources and a new definition of paving operations is added that clarifies the types of operations to which the provisions of the regulation apply. Since the standards and other provisions in this article are not substantively changed, no new compliance date is proposed. Chapter 40, Article 39 will be repealed at an appropriate time after the new Article 7 standards are effective.

The text of these new articles includes the textual changes to the regulations that are included in the recently adopted, but not yet effective, revision D06 (also titled as Consumer and Commercial Products). This regulatory action preserves changes made by revision D06 in the event that revision D06 is delayed or withdrawn in its entirety. This regulatory action also incorporates the following substantive changes to revision D06:

1. This proposed regulatory action expands the applicability of the new Article 2 concerning portable fuel containers, the new Article 4 concerning consumer products, the new Article 5 concerning architectural and maintenance coatings, and the new Article 6 concerning adhesives and sealants into the Richmond VOC Emissions Control Area. It does not affect the applicability of Article 7 concerning asphalt paving operations, which already applies in all VOC emissions control areas;
2. This regulatory action extends compliance dates originally proposed in revision D06 as January 1, 2009 to a more reasonable date in the future (May 1, 2010); and
3. This proposed regulatory action extends the standards and other provisions for 9VAC5-40, Article 48, concerning mobile equipment repair and refinishing operations that are currently applicable only in the Northern Virginia and Fredericksburg VOC Emissions Control Areas into the Richmond VOC Emissions Control Area. A compliance deadline of May 1, 2010 is specified for applicability of the standards and other provisions within the Richmond VOC Emissions Control Area.

If revision D06 becomes effective, then this revision will be redacted to remove the changes incorporated into regulation by revision D06, and the compliance dates associated with applying regulatory standards in Chapter 45 and in Chapter 40, Article 48 in the Richmond VOC Emissions Control Area may be revised to be more consistent with the effective regulation.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including: (1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; (2) the primary advantages and disadvantages to the agency or the Commonwealth; and (3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

1. Public: The primary advantage to the public is that the adoption of these regulations will significantly decrease emissions of VOCs in the Northern Virginia, Fredericksburg and Richmond areas, thus benefiting public health and welfare. The primary disadvantage to the public is the inconvenience of

having certain familiar noncompliant products become unavailable within the applicable areas, and having to pay a slightly increased cost for the replacement compliant products.

2. Regulated Community: The primary advantage to the regulated community is that the new regulations are clearer and have fewer reporting requirements than some of the regulations they replace. The primary disadvantages are that there may be more costs associated with distributing compliant products within the Richmond VOC Emissions Control Area, there may be fewer days that certain products may be applied, and there may be a need for worker training for some users to learn how to apply some of the compliant products correctly.

3. Department: The primary advantages to the department are that the adoption of these regulations will allow Virginia (1) to attain and maintain air quality standards and improve public health of Virginians, and (2) to uphold its promise to its jurisdictional neighbors (Maryland and Washington, D.C.) to all take similar regulatory action in order to minimize regulatory differences across the affected borders. There is no disadvantage to the department.

When revision D06 becomes effective, then the advantages and disadvantages of this regulatory action will be restricted to the Richmond VOC Emissions Control Area.

**Requirements more restrictive than federal**

*Please identify and describe any requirements of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

Most of the proposed regulation amendments are not more restrictive than the applicable federal requirements. However, there is no federal requirement for applying standards for adhesives and sealants in the Richmond VOC Emissions Control Area, so applying such standards there exceeds the federal requirements. Standards for adhesives and sealants are proposed for the Richmond VOC Emissions Control Area in response to violations of the 0.08 ppm NAAQS ozone standard in the Richmond area in 2007 and 2008, and are proposed in anticipation of federal implementation of the more restrictive 0.075 ppm NAAQS ozone standard.

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

Localities particularly affected by the proposed regulations are the counties of Arlington, Fairfax, Loudoun, Prince William, Stafford, Spotsylvania, Charles City, Chesterfield, Hanover, Henrico and Prince George; and the cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, Fredericksburg, Colonial Heights, Hopewell, Petersburg, and Richmond.

Revision D06 affected all of the localities listed above except for those in the Richmond VOC Emissions Control Area. Since revision D06 has been adopted and is expected to become effective, the localities particularly affected by this regulatory action would then be restricted to just those areas that are located in the Richmond VOC Emissions Control Area; specifically, the counties of Charles City, Chesterfield,

Hanover, Henrico and Prince George; and the cities of Colonial Heights, Hopewell, Petersburg, and Richmond.

**Public participation**

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal, the impacts on the regulated community, and the impacts of the regulation on farm or forest land preservation.*

In addition to any other comments, the Department is seeking comments on the costs and benefits of the proposal, the impacts on the regulated community, and impacts of the regulation on farm and forest land preservation. Also, the Department is seeking information on impacts to small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (1) projected reporting, recordkeeping and other administrative costs, (2) probable effect of the proposal on affected small businesses, and (3) description of less intrusive or costly alternative methods of achieving the purpose of the proposal.

The Department is specifically seeking comment on the costs and benefits of extending the proposed Article 6 concerning adhesives and sealants into the Richmond VOC Emissions Control Area. The board, after deliberation, may decide to include, eliminate or change this extension.

Anyone wishing to submit written comments may do so at the public hearing or by mail, email, or fax to the staff contact listed below. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)). Written comments must include the full name, address and telephone number of the commenter and be received by the Department on the date established as the close of the comment period. Commenters submitting faxes are encouraged to provide the signed original by postal mail within one week.

A public hearing will be held and notice of the public hearing will appear on the Virginia Regulatory Town Hall web site ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time. All testimony, exhibits and documents received are part of the public record.

All comments requested by this document must be submitted to the agency contact: Gary Graham, Regulatory Analyst, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218 (email [Gary.Graham@deq.virginia.gov](mailto:Gary.Graham@deq.virginia.gov), fax 804-698-4510).

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<p><b>a. Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</b></p>	<p>The Virginia entities most likely to be affected by this rulemaking are the manufacturers who produce consumer products, portable fuel containers, and adhesives and sealants. Distributors and retailers in the Northern Virginia, Fredericksburg and Richmond areas may be affected. Users of adhesives and sealants in Northern Virginia, Fredericksburg and Richmond areas may also be</p>
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	<p>affected. Businesses that conduct vehicle repair and refinishing operations in the Richmond area may be affected.</p>
<p><b>b. Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>The number of entities in Northern Virginia, Fredericksburg and Richmond areas likely to be affected by this rulemaking is as follows:</p> <ol style="list-style-type: none"> <li>1. Portable Fuel Containers: No entities are likely to be affected.</li> <li>2. Consumer Products: 476 manufacturers, distributors or retailers may be affected in the Northern Virginia and Fredericksburg areas. 295 contractors in the Richmond area may be affected.</li> <li>3. Architectural and Industrial Coatings: In the Richmond area, 4 manufacturers, distributors or retailers may be affected. 165 contractors may also be affected.</li> <li>4. Adhesives and Sealants: 2497 manufacturers and contractors may be affected in Northern Virginia and Fredericksburg areas, and 1347 manufacturers and contractors may be affected in the Richmond area.</li> <li>5. Asphalt Paving: 83 contractors may be minimally affected.</li> <li>6. Mobile Equipment Repair and Refinishing Operations: 331 shops in the Richmond area may be affected.</li> </ol> <p>(Data from Virginia Employment Commission database analysis dated January 27, 2009.) Most, if not all, of the affected businesses are likely to be small businesses.</p>
<p><b>c. All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and do include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</b></p>	<p>The following costs are projected for all regulated entities in the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas for implementation and compliance and include projected reporting, recordkeeping and other administrative costs. These figures represent maximum costs. Actual costs are likely to be a fraction of these maximum costs.</p> <ol style="list-style-type: none"> <li>1. Portable Fuel Containers: Insignificant cost to Virginia small businesses or individuals.</li> <li>2. Consumer Products: A maximum cost of \$9,200,000 annually, \$6,500,000 of which will likely be passed on to consumers in the Northern Virginia and Fredericksburg areas and \$2,700,000 of which will be passed on to consumers in the Richmond area. These numbers represent costs for implementation of new proposed Articles 3 and 4. Because Article 3 will replace Chapter 40, Article 50 already in place, the actual costs of implementation will be smaller.</li> <li>3. Architectural and Industrial Coatings: A maximum cost of \$5,800,000 annually, most of which will likely be passed on to consumers in the Richmond area. There will also be \$3,200 savings annually per reporting facility.</li> <li>4. Adhesives and Sealants: A maximum cost of</li> </ol>

	<p>\$1,640,000 annually, of which \$1,150,000 will be shared between manufacturers, distributors, and contractors in the Northern Virginia and Fredericksburg areas, and \$490,000 will be shared between those groups in the Richmond area, most of which is likely to be passed on to consumers in those areas.</p> <p>5. Mobile Equipment Repair and Refinishing: A maximum cost of \$910,000 annually, most of which will likely be passed along to consumers in the Richmond area.</p> <p>6. Asphalt Paving: No cost or savings to Virginia small businesses.</p>
<p><b>d. Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures.</b></p>	<p>It is not expected that the regulation will result in any cost to the Department beyond that currently in the budget. The sources of Department funds to carry out this regulation are the general fund and the federal trust (grant money provided by the U.S. Environmental Protection Agency under Section 105 of the federal Clean Air Act or permit fees charged to affected entities under the permit program). The activities are budgeted under the Air Quality Stationary Source Compliance Inspections program (5122100). The costs are expected to be ongoing.</p>
<p><b>e. Projected cost of the new regulations or changes to existing regulations on localities.</b></p>	<p>The projected cost of the regulation on localities is not expected to be beyond that of other affected entities and are addressed in item c above.</p>
<p><b>f. Beneficial impact the regulation is designed to produce.</b></p>	<p>The adoption of this regulation will decrease VOC emissions in the Northern Virginia, Fredericksburg and Richmond areas by an estimated total of 16.0 tons of VOC per day or more, 7.6 tons per day of which will result from emission reductions in the Richmond area and 8.4 tons per day of which will result from emissions reductions in the Northern Virginia and Fredericksburg areas. These numbers represent VOC emission reductions for implementation of all new proposed regulations. Because Articles 1 and 3 will replace Chapter 40 articles already in place, the actual emission reductions will be smaller. Expansion of the adhesives and sealants standards into the Richmond area accounts for about 0.6 tons per day of the 7.6 tons per day of VOC emission reductions expected. This significant emissions reduction will benefit public health and welfare. It will also allow Virginia to: (i) avoid federal sanctions that would be imposed for violating the SIP provisions of the Clean Air Act, (ii) fulfill federally-approved area ozone maintenance plan requirements and (iii) uphold its promise to its jurisdictional neighbors (Maryland and Washington, D.C.) to take this action. In the event that revision D06 becomes effective first, the VOC emission reductions would be limited to the 7.6 tons per day associated with expanding these regulations into the Richmond</p>

VOC Emissions Control Area.
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In the event that revision D06 becomes effective, then the economic impact of this regulatory action (as described above) will be primarily restricted to individuals, businesses and localities located within the Richmond VOC Emissions Control Area.

## Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

As provided in the public participation procedures of the State Air Pollution Control Board, the Department included, in the Notice of Intended Regulatory Action, a description of the Department's alternatives and a request for comments on other alternatives and the costs and benefits of the Department's alternatives or any other alternatives that the commenters provided.

Following the above, alternatives to the proposal were considered by the Department. The Department determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the proposal. The alternatives considered by the Department, along with the reasoning by which the Department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulations to satisfy the provisions of the law and associated regulations and policies and to anticipate implementation of the more restrictive 0.075 ppm 8-hour ozone standard in the Richmond VOC Emissions Control Area. This option is being selected because it meets the stated purpose of the regulatory action: to allow Virginia to meet its obligation to implement control measures in areas designated as nonattainment under the 8-hour ozone standard and to implement sufficient contingency measures as necessary to attain and maintain compliance with ozone standard within the maintenance areas. This option also addresses recent violations of the existing ozone standard in the Richmond area and anticipates reductions that will be necessary within the Richmond VOC Emissions Control Area to attain the new ozone standard, to better protect public health and welfare.

2. Amend the regulations to satisfy the provisions of the law and associated regulations and policies. This option allows Virginia to meet its obligation to implement control measures in areas designated as nonattainment under the 8-hour ozone standard and to implement sufficient contingency measures as necessary to attain and maintain compliance with the standard within the maintenance areas, thus protecting public health and welfare. This option was not selected because it does not adequately address ozone violations in the Richmond area and does not adequately address changes to the 8-hour ozone standard.

3. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies, including consideration of a cap and trade program. This option is not being selected because it would be contrary to the requirements of the Clean Air Act. As explained above, control measures contained in SIPs usually fall into two categories: those mandated by the Act or federal government and those selected at the discretion of the state. This regulatory action is being initiated to meet a specific requirement of the Clean Air Act, where the state does not have discretion. Furthermore, because of the complexity of federal guidance and the stringency of federal oversight on emissions trading, the development of a cap and trade program would take years longer to develop and implement than will the regulations, with VOC emissions remaining unreduced in the meantime. Finally, while cap and trade programs are fairly easy to implement for larger stationary sources, application of such programs to smaller sources poses unique challenges requiring even more resources and time to

establish and implement. Finally, unlike the current national acid rain and NO<sub>x</sub> trading programs, the state would not have the assistance of EPA in the implementation and would have to summon up the resources to implement and maintain the program on its own.

4. Take no action to amend the regulations and continue to operate under the existing regulatory program. This option is not being selected because it would allow the current emissions levels to be maintained and possibly increase, to the detriment of public health and welfare. If a state does not prepare an appropriate state plan, or EPA does not approve a submitted plan, then EPA itself is empowered to take the necessary actions to attain and maintain the air quality standards--that is, it would have to promulgate and implement an air quality plan for that state. EPA is also, by law, required to impose sanctions in cases where there is no approved plan or the plan is not being implemented, the sanctions consisting of loss of federal funds for highways and other projects and/or more restrictive requirements for new industry.

### Regulatory flexibility analysis

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: (1) the establishment of less stringent compliance or reporting requirements; (2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) the consolidation or simplification of compliance or reporting requirements; (4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposal; and (5) the exemption of small businesses from all or any part of the requirements contained in the proposal.*

An analysis of the proposal was completed for alternative regulatory methods that will minimize the adverse impact on small businesses without compromising health, safety, environmental and economic welfare.

1. Less stringent compliance requirements will compromise the effectiveness of the standards. Sales reporting requirements for products containing perchlorethylene and methylene chloride that are subject to Chapter 45, Articles 3 and 4 for consumer products may be changed to a less stringent 3-year recordkeeping requirement without compromising the effectiveness of the applicable standards. Sales reporting requirements for architectural coating products subject to Chapter 45, Article 5 may be removed without compromising the effectiveness of the applicable standards. Compromising effectiveness of the standards will compromise public health, safety, environmental and economic welfare.

2. A less stringent compliance schedule, such as a delayed compliance deadline or phased implementation might be possible for a standard applicable to an individual product category without compromising the effectiveness of the article if there is no alternative product that will meet the standard, a reasonable time period is proposed for development and testing of a compliant product and the contribution of that individual product category to the emissions reductions creditable by EPA for that article is likely to be insignificant. A less stringent compliance schedule for an entire consumer and commercial product standard will compromise public health, safety, environmental and economic welfare. Delay of the compliance schedule for this revision beyond a reasonable implementation period after the adoption date will compromise public health, safety, environmental and economic welfare.

3. Consolidation of compliance or reporting requirements beyond those in paragraph 1 will compromise health, safety, environmental, and economic welfare.

4. Substitution of performance standards for operational or design standards in this proposal will compromise public health, safety, environmental, and economic welfare.

5. Small businesses make up the majority of facilities subject to the proposals, therefore, exemption of small businesses as a class from any or all parts of the regulations will compromise public health, safety, environmental, and economic welfare. An exemption might be adopted for an individual product category that affects small business if there is no existing product that will meet the proposed standard and the contribution of that individual product category to the required emissions reductions can be demonstrated to be insignificant.

**Public comment**

*Please summarize all public comment received during the comment period following the publication of the NOIRA, and provide the agency response.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Mr. Philip Abraham, EPDM Roofing Association (ERA).	1. Written attachments to this testimony are submitted: a January 28, 2008 update to the Study of Risks and Options prepared by Dr. James Hoff for the EPDM Roofing Association, and letters of endorsement from Virginia Senator Jim Watkins and from Virginia Delegate Dwight Jones. These documents should be considered while developing a proposal for control of VOC emissions from adhesives and sealants.	This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.
Mr. Philip Abraham, ERA.	2. The new standards should be implemented on a time schedule (i) to allow for critical training for roofing workers to properly apply new roofing materials and (ii) to allow for the development and testing of low-VOC low-slope roofing adhesives and sealants that will work properly in Virginia's lower winter temperature climate. It is not necessary to grant an exemption or to change the standards, only to allow time to address these concerns and a way to implement the new standards only during the times of the year when ozone is the greatest problem and when current and new low-VOC products can be applied without concerns about the weather.	This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.
Mr. Philip Abraham, ERA.	3. The implementation process for the new standards under this regulatory revision for Consumer and Commercial Products (J07) should be coordinated with the similar revision D06 (of the same title) to insure that the limits	This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.

	<p>affecting roofing adhesives resulting from the both revisions allow for a reasonable time schedule to train workers and develop new products to comply with the standards.</p>	
<p>Mr. Bill Schneider, ERA.</p>	<p>4. The existing low-VOC bonding adhesives are water-based and application is limited to temperatures above 40 degrees. They also have drying and adhesion problems associated with humidity and solar shading. The adhesive and sealant standards were developed in California where winter temperatures are generally above 40 degrees. The average temperatures outside the ozone season in Virginia are well below 40 degrees and the use of EPDM roofing as an alternative to asphalt roofing is significant. The assumptions made in adopting the low-VOC standards in California are not appropriate for Virginia.</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Mr. Bill Schneider, ERA.</p>	<p>5. Little or no formal training on the use of low-VOC bonding adhesives has been done for roofing workers because, up to this point, very little of it has been used in Virginia. Up to 20,000 workers may be affected, which will require a significant training effort. A two-season approach is proposed, at least initially, to allow contractors to train workers, and become experienced in the use of the low-VOC adhesives.</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Mr. John Anderson, Virginia Association of Roofing Contractors (VARC).</p>	<p>6. There is currently very little use of low-VOC adhesives in Virginia, so the contractors have very little experience with low-VOC adhesives and their workers have almost none. Implementation of low-VOC limits without time to accommodate a learning curve will effectively create a "no construction" period during the winter months. Roofing workers are hourly workers, and would not have an income for those months. A phase-in period is preferred to do research and development to produce an economically feasible product that can be applied on a year-round basis.</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Mr. Jared Blum,</p>	<p>7. ERA proposes that 1) the</p>	<p>Enforcement of a permanent seasonal</p>

<p>ERA.</p>	<p>seasonal approach to the use of rubber roofing bonding adhesives be implemented, 2) an ERA-sponsored compliance program be established to assure that the seasonal approach is successful, and 3) and ERA-sponsored training initiative be established to assure that workers are effectively trained to use low-VOC bonding adhesives during the ozone season without adversely affecting the quality of the roofing installations.</p>	<p>approach in a regulation that regulates an extended product supply chain is problematic. Enforcement of a trade association-sponsored compliance program is not feasible. However, phased implementation of the standard may provide additional time for product improvement and will facilitate training in the proper use of compliant products. This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Joseph Yost, Consumer Specialty Products Association (CSPA).</p>	<p>8. Suspend the intended regulatory action in view of EPA's intention to develop a national consumer products regulation.</p>	<p>EPA's proposed action does not ensure that the necessary emissions reduction credit is assigned to Virginia within the appropriate timeframe to meet SIP requirements and the EPA action may not comply with Virginia law. No change has been made in the proposed regulation based upon this comment.</p>
<p>Joseph Yost, CSPA.</p>	<p>9. If state-specific rulemaking is necessary, adopt the OTC model rule for consumer products. Interstate commerce will be impaired by the promulgation of different (and potentially conflicting) state-specific consumer products requirements.</p>	<p>Some state-specific requirements are necessary to make the provisions of the model rule conform to the requirements of Virginia law. No change has been made in the proposed regulation based upon this comment.</p>
<p>Joseph Yost, CSPA.</p>	<p>10. If state-specific rulemaking is necessary, the department should establish a compliance date no earlier than January 1, 2009 to allow sufficient time for manufacturers to reformulate consumer products.</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Joseph Yost, CSPA.</p>	<p>11. A narrowly-tailored technical revision to the consumer product ACP provisions is necessary to ensure that a mismatched CARB ACP product list does not impede approval of a Virginia ACP based upon that CARB ACP decision.</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Joseph Yost, CSPA.</p>	<p>12. Inclusion of several provisions restricting the use of chemical compounds other than VOC in the consumer products regulation does nothing to prevent ozone formation and should be removed.</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>
<p>Frances Wu, Personal Care Products Council (PCPC).</p>	<p>13. Suspend the intended regulatory action in view of EPA's intention to develop a national consumer products regulation.</p>	<p>See the response to comment 8 above. No change has been made in the proposed regulation based upon this comment.</p>
<p>Mr. David Darling, representing the</p>	<p>14. NPCA requests the deletion of the burdensome "automatic" annual reporting requirements in 9VAC5-</p>	<p>This comment is acceptable and appropriate changes reflecting the intent of the comment have been made in this proposal.</p>

National Point and Coatings Association (NPCA)	40-7230 A-G.	
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**Family impact**

*Assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: (1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; (2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; (3) strengthen or erode the marital commitment; and (4) increase or decrease disposable family income.*

It is not anticipated that the proposal will have a direct impact on families. There will be some small price increases for certain products, which will affect the disposable income of families that use those products. However, there will be positive indirect impacts in that the proposal will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please detail the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change, rationale, and consequences</b>
Chapter 20, Part I	N/A.	Administrative.	N/A
21.	N/A.	Documents incorporated by reference. Contains a list of documents previously incorporated into the regulations.	Adds new certification and test procedures to support the new regulatory requirements. Necessary so that the regulated community can find the procedures that they need to demonstrate compliance requirements.
Chapter 40, Part II	N/A.	Emission Standards.	N/A.
Article 48	N/A.	Emission Standards for Mobile Equipment Repair and	N/A.

		Refinishing Operations (Rule 4-48).	
6970 B		Lists the areas in which the regulation is effective as the Northern Virginia and Fredericksburg VOC Emissions Control Areas.	Adds the Richmond VOC Emissions Control Area to the list of areas in which the regulation is effective. Necessary to provide adequate contingency measures for the ozone maintenance plan.
6970 C	6975	Lists exemptions for applicable operations.	Moved from list of applicable operations to be consistent with current regulation format.
7050		Lists a deadline date for compliance with the standards within each of the two areas in which the standards apply.	Adds an appropriate future compliance deadline date for the new area in which the standards will be effective. Necessary so that the affected entities within the newly affected area know when compliance with the standard must be demonstrated.
N/A.	Chapter 45, Part I, Special Provisions.	N/A.	N/A.
N/A.	10. Applicability.	None.	Specifies special provisions are generally applicable to products and owners subject to standards or other provisions in each article. It also excludes some provisions of Chapters 20 and 40 from applicability unless specified as applicable in the individual articles. Necessary so that owners can identify which provisions of the regulations other than those in each article are applicable to them.
N/A.	20. Compliance.	None.	Specifies that owners and products must comply with certain state and federal provisions for testing, monitoring, reporting and recordkeeping, minimizing emissions and must comply with provisions of applicable articles or be in violation. Necessary so that owners know where to look in order to comply with testing, monitoring and other compliance provisions of the chapter.
N/A.	30. Emission testing.	None.	Specifies how emissions testing must be conducted and reported, when it is required, what alternatives are permissible and what testing facilities must be provided by the owner. Necessary so that owners know explicitly what testing responsibilities they have.
N/A.	40. Monitoring.	None.	Specifies how emissions monitoring must be conducted and reported, when it is required, what alternatives are permissible and what monitoring must be provided by the owner. Necessary so that owners know explicitly

			what monitoring responsibilities they have.
N/A.	50. Notification, records and reporting.	None.	Specifies certain minimal notifications, reports, and recordkeeping requirements that are generally applicable to owners. Necessary so that owners know explicitly what recordkeeping and reporting responsibilities they have.
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 1, Emission Standards for Portable Fuel Containers Manufactured before May 1, 2010.	N/A.	N/A.
N/A.	60. Applicability.	None.	Specifies that portable fuel container products manufactured before May 1, 2010, and owners that manufacture, distribute and sell such products within the Northern Virginia and Fredericksburg VOC Emissions Control Areas, are subject to the provisions of Article 1. Necessary so that owners know if they are subject to the provisions of this regulation and can identify which products and operations might be subject to standards under this article.
N/A.	70. Exemptions.	None.	Specifies certain portable fuel container products, characteristics, uses and areas that are exempt from the provisions of Article 1. Necessary so that owners can figure out which of their products and operations are subject to standards under this article.
N/A.	80. Definitions.	None.	Defines and describes portable fuel container product types, product characteristics, persons, operations, authorities, documents and other terms necessary to administer the provisions of Article 1. Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.
N/A.	90. Standard for volatile organic compounds.	None.	Lists the portable fuel container product categories and the design and performance standards applicable to those products manufactured before May 1, 2010. Also prohibits the manufacture, distribution and sale of noncompliant products and provides criteria for sell-

			through of products manufactured earlier than May 1, 2010. Necessary so that owners know which design and performance criteria must be met so that only compliant products are manufactured, distributed within the Northern Virginia area, and offered for sale there.
N/A.	100. Administrative requirements.	None.	Specifies product labeling requirements for portable fuel container products manufactured earlier than May 1, 2010. Necessary so that Department personnel can easily determine which products are subject to standards under Article 1.
N/A.	110. Compliance.	None.	Specifies which of the special provisions in Part I of Chapter 45, and which other regulations not specified in Part I as generally applicable, apply to persons and products subject to Article 1. Necessary so that owners can easily identify which other provisions of the regulations outside of Article 1 apply to their products and operations.
N/A.	120. Compliance schedules.	None.	Specifies the dates by which all portable fuel container products and operations subject to Article 1 must comply with the design and performance standards. These compliance dates are not changed from the compliance dates required under Chapter 40, Article 42 for portable fuel containers. Also contains waiver requirements in case there are some owners that cannot comply by the deadlines specified. Necessary so that owners know when the design and performance standards and other requirements are effective for their products in the areas specified.
N/A.	130. Test methods and procedures.	None.	Specifies the test methods that must be used to determine compliance with the standards. Also allows certain alternative methods to be used for testing if approved by the board. Necessary so that owners can find the proper test methods and use them to demonstrate whether their products are in compliance.
N/A.	140. Monitoring.	None.	Specifies that the special monitoring provisions of Chapter 45, Part I do not apply to portable fuel containers subject to this article. Necessary so that owners don't try to apply general monitoring requirements that are not appropriate for this product type.
N/A.	150. Notification,	None.	Specifies which recordkeeping and reporting special provisions of Chapter 45,

	records and reporting.		Part I apply and which do not. Necessary so that owners apply only those general recordkeeping and reporting requirements that are appropriate for this product type.
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 2. Emission Standards for Portable Fuel Containers Manufactured on or after May 1, 2010.	N/A.	N/A.
N/A.	160. Applicability.	None.	Specifies that portable fuel container products manufactured on and after May 1, 2010, and owners that manufacture, distribute and sell such products within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas, are subject to the provisions of Article 2. Necessary so that owners know if they are subject to the provisions of this regulation.
N/A.	170. Exemptions.	None.	Specifies certain portable fuel container products, characteristics, uses and areas that are exempt from the provisions of Article 2. Necessary so that owners can figure out which of their products and operations are subject to standards under this article.
N/A.	180. Definitions.	None.	Defines and describes portable fuel container product types, product characteristics, persons, operations, authorities, documents and other terms necessary to administer the provisions of Article 2. Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.
N/A.	190. Standard for volatile organic compounds.	None.	Lists the portable fuel container product categories and the labeling, design and performance standards applicable to those products manufactured on and after May 1, 2010. Also prohibits the manufacture, distribution and sale of noncompliant products. Necessary so that owners know which design and performance criteria must be met so that only compliant products are manufactured, distributed within the Northern Virginia area, and offered for sale there.

N/A.	200. Certification procedures.	None.	Specifies the application requirements, review requirements and approval procedures necessary to administer the certification program for portable fuel container products manufactured on and after May 1, 2010. Also specifies how CARB-approved products may become board approved with little additional work. Necessary so that owners know how to get their compliant products certified by the board.
N/A.	210. Innovative products.	None.	Specifies a procedure and application requirements for exempting certain innovative products from the operation and design standards applicable to other portable fuel container products. Necessary so that technology-based designs that will achieve equivalent emissions reductions may be manufactured, distributed and sold.
N/A.	220. Administrative requirements.	None.	Specifies product labeling requirements for portable fuel container products manufactured on and after than May 1, 2010. Necessary so that Department personnel can easily determine which products are subject to standards under Article 2 and which of those that are subject to the standards, are compliant.
N/A.	230. Compliance.	None.	Specifies which of the special provisions in Part I of Chapter 45, and which other regulations not specified in Part I as generally applicable, apply to persons and products subject to Article 2. Necessary so that owners can easily identify which other provisions of the regulations outside of Article 2 apply to their products and operations.
N/A.	240. Compliance schedules.	None.	Specifies that all portable fuel container products and operations subject to Article 2 must comply with the certification, labeling, design and performance standards on and after May 1, 2010. Also contains waiver requirements in case there are some owners that cannot comply by the deadlines specified. Necessary so that owners know when the design and performance standards are effective for their products and operations.
N/A.	250. Test methods and procedures.	None.	Specifies the new test methods that must be used to determine compliance with the standards. Also allows certain alternative methods to be used for testing if approved by the board. Necessary so that owners can find the proper test methods and use them to

			demonstrate whether their products are compliant.
N/A.	260. Monitoring.	None.	Specifies that the special monitoring provisions of Chapter 45, Part I do not apply to portable fuel containers subject to this article. Necessary so that owners don't try to apply general monitoring requirements that are not appropriate for this product type.
N/A.	270. Notification, records and reporting.		Specifies which recordkeeping and reporting special provisions of Chapter 45, Part I apply and which do not. Necessary so that owners apply only those general recordkeeping and reporting requirements that are appropriate for this product type.
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 3. Emission Standards for Consumer Products Manufactured before May 1, 2010.	N/A.	N/A.
N/A.	280. Applicability.	None.	Specifies that consumer products manufactured before May 1, 2010, and owners that manufacture, distribute and sell such products within the Northern Virginia and Fredericksburg VOC Emissions Control Areas, are subject to the provisions of Article 3. Necessary so that owners know if they are subject to the provisions of this regulation and are able to identify which of their products and operations might be subject to standards under this article.
N/A.	290. Exemptions.	None.	Specifies certain consumer products, characteristics, uses and areas that are exempt from the provisions of Article 3. Also contains waiver requirements in case there are some owners that cannot comply with the standards by the deadlines specified. Necessary so that owners can figure out which of their products and operations are subject to standards under this article, and which are not.
N/A.	300. Definitions.	None.	Defines and describes consumer product types, product characteristics, persons, operations, authorities, documents and other terms necessary to administer the

			<p>provisions of Article 3. Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.</p>
N/A.	310. Standard for volatile organic compounds.	None.	<p>Lists the consumer product categories and the VOC content standards applicable to those products manufactured before May 1, 2010. Also prohibits the manufacture, distribution and sale of noncompliant products and provides criteria for sell-through of products manufactured earlier than May 1, 2010. Necessary so that owners know which VOC content criteria must be met so that only compliant products are manufactured, distributed within the Northern Virginia area, and offered for sale there.</p>
N/A.	320. Alternative control plan (ACP) for consumer products.	None.	<p>Specifies application and review procedures for an alternate compliance procedure for manufacturers. Allows manufacturers to average their VOC emissions from compliant products with VOC content below the standard and VOC emissions from noncompliant products with VOC content above the standard, based upon sales. Necessary to provide owners with the needed operating flexibility so that certain products without compliant alternatives can continue to be manufactured and sold, while protecting the overall emissions reductions required by the article.</p>
N/A.	330. Innovative products.	None.	<p>Specifies the application and review procedures for another alternate compliance procedure for manufacturers. Manufacturers can substitute design standards with equivalent VOC emissions for the applicable VOC content standards. Necessary to provide owners with the needed operating flexibility so that certain products without compliant alternatives can continue to be manufactured and sold, while protecting the overall emissions reductions required by the article.</p>
N/A.	340. Administrative requirements.	None.	<p>Specifies special aerosol and date-of-manufacture product labeling requirements for consumer products manufactured earlier than May 1, 2010. Necessary so that Department personnel can easily determine which products are subject to standards under Article 3 so that compliance of those products can be determined.</p>
N/A.	350. Compliance.	None.	<p>Specifies which of the special provisions in Part I of Chapter 45, and which other</p>

			<p>regulations not specified in Part I as generally applicable, apply to persons and products subject to Article 3.</p> <p>Necessary so that owners can easily identify which other provisions of the regulations outside of Article 3 apply to their products and operations.</p>
N/A.	360. Compliance schedules.	None.	<p>Specifies the dates by which consumer products that are subject to Article 3 must comply with the VOC standards and other requirements. These compliance dates are not changed from the compliance dates required under Chapter 40, Article 50 for consumer products.</p> <p>Necessary so that owners know when the VOC standards and other requirements are effective for their products in the areas specified.</p>
N/A.	370. Test methods and procedures.	None.	<p>Specifies the test methods that must be used to determine compliance with the standards.</p> <p>Necessary so that owners can find the proper test methods and use them to demonstrate whether their products are compliant or not.</p>
N/A.	380. Monitoring.	None.	<p>Specifies that the special monitoring provisions of Chapter 45, Part I apply to consumer products subject to this article.</p> <p>Necessary so that owners know to apply the general monitoring requirements to this product type.</p>
N/A.	390. Notification, records and reporting.	None.	<p>Specifies which recordkeeping and reporting special provisions of Chapter 45, Part I apply and which do not. Also requires reporting of product information upon request of the board.</p> <p>Necessary so that owners know they are responsible to provide product information and sales information for compliance purposes when asked.</p>
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 4. Emission Standards for Consumer Products Manufactured on or after May 1, 2010.	N/A.	N/A.
N/A.	400. Applicability.	None.	<p>Specifies that consumer products manufactured on or after May 1, 2010, and owners that manufacture, distribute and</p>

			<p>sell such products within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas, are subject to the provisions of Article 4.</p> <p>Necessary so that owners know if they are subject to the provisions of this regulation and are able to identify which of their products and operations might be subject to standards under this article.</p>
N/A.	410. Exemptions.	None.	<p>Specifies certain consumer products, characteristics, uses and areas that are exempt from the provisions of Article 4.</p> <p>Also contains waiver requirements in case there are some owners that cannot comply with the standards by the deadlines specified.</p> <p>Necessary so that owners can figure out which of their products and operations are subject to standards under this article, and which are not.</p>
N/A.	420. Definitions.	None.	<p>Defines and describes consumer product types, product characteristics, persons, operations, authorities, documents and other terms necessary to administer the provisions of Article 4.</p> <p>Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.</p>
N/A.	430. Standard for volatile organic compounds.	None.	<p>Lists the consumer product categories and the VOC content standards applicable to those products manufactured on and after May 1, 2010. Also prohibits the manufacture, distribution and sale of noncompliant products.</p> <p>Necessary so that owners know which VOC content criteria must be met so that only compliant products are manufactured, distributed within the Northern Virginia area, and offered for sale there.</p>
N/A.	440. Alternative control plan (ACP) for consumer products.	None.	<p>Specifies application and review procedures for an alternate compliance procedure for manufacturers. Allows manufacturers to average their VOC emissions from compliant products with VOC content below the standard and VOC emissions from noncompliant products with VOC content above the standard, based upon sales.</p> <p>Necessary to provide owners with the needed operating flexibility so that certain products without compliant alternatives can continue to be manufactured and sold, while protecting the overall emissions reductions required by the article.</p>
N/A.	450.	None.	Specifies the application and review

	Innovative products.		procedures for another alternate compliance procedure for manufacturers. Manufacturers can substitute design standards with equivalent VOC emissions for the applicable VOC content standards. Necessary to provide owners with the needed operating flexibility so that certain products without compliant alternatives can continue to be manufactured and sold, while protecting the overall emissions reductions required by the article.
N/A.	460. Administrative requirements.	None.	Specifies date-of-manufacture product labeling requirements for consumer products manufactured on and later than May 1, 2010. Also contains additional labeling requirements for several product categories. Necessary so that Department personnel can easily determine which products are subject to standards under Article 4 so that compliance of those products can be determined.
N/A.	470. Compliance.	None.	Specifies which of the special provisions in Part I of Chapter 45, and which other regulations not specified in Part I as generally applicable, apply to persons and products subject to Article 4. Necessary so that owners can easily identify which other provisions of the regulations outside of Article 4 apply to their products and operations.
N/A.	480. Compliance schedules.	None.	Specifies that those consumer products subject to the provisions of Article 4 must comply with the VOC content standards and other requirements no later than May 1, 2010. Necessary so that owners know when the design and performance standards are effective for their products and operations.
N/A.	490. Test methods and procedures.	None.	Specifies the test methods that must be used to determine compliance with the standards. Necessary so that owners can find the proper test methods and use them to demonstrate whether their products are compliant or not.
N/A.	500. Monitoring.	None.	Specifies that the special monitoring provisions of Chapter 45, Part I apply to consumer products subject to this article. Necessary so that owners know to apply the general monitoring requirements to this product type.
N/A.	510. Notification, records and	None.	Specifies which recordkeeping and reporting special provisions of Chapter 45, Part I apply and which do not. Also

	reporting.		requires reporting of product information upon request of the board. Necessary so that owners know they are responsible to provide product information and sales information for compliance purposes when asked.
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 5. Emission Standards for Architectural and Industrial Maintenance Coatings.	N/A.	N/A.
N/A.	520. Applicability.	None.	Specifies that architectural coating products, and owners that manufacture, distribute, sell and apply such products within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas, are subject to the provisions of Article 5. Necessary so that owners know if they are subject to the provisions of this regulation and are able to identify which of their coating products and operations might be subject to standards under this article.
N/A.	530. Exemptions.	None.	Specifies certain architectural coating products, package sizes and areas that are exempt from the provisions of Article 5. Necessary so that owners can figure out which of their coating products and operations are subject to standards under this article, and which are not.
N/A.	540. Definitions.	None.	Defines and describes architectural coating product types, product characteristics, persons, operations, authorities, documents and other terms necessary to administer the provisions of Article 5. Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.
N/A.	550. Standard for volatile organic compounds.	None.	Lists the architectural coating product categories and the VOC content standards applicable to those products, with default VOC standards for those categories not listed. Also prohibits the manufacture, distribution, sale and application of noncompliant coating products. Necessary so that owners know which VOC content criteria must be met so that only compliant coating products are

			manufactured, distributed within the Northern Virginia area, offered for sale and used there.
N/A.	560. Administrative requirements.	None.	Specifies that each architectural coating product must be labeled with the date of manufacture, any applicable thinning recommendations, and the coating VOC content. Certain descriptive statements must be included for several of the coating product categories. Necessary so that Department personnel can easily determine which coating products are subject to standards under Article 5 so that compliance of those products can be determined.
N/A.	570. Compliance.	None.	Specifies which of the special provisions in Part I of Chapter 45, and which other regulations not specified in Part I as generally applicable, apply to owners and architectural coating products. Necessary so that owners can easily identify which other provisions of the regulations outside of Article 4 apply to their coating products and operations.
N/A.	580. Compliance schedules.	None.	Specifies the dates by which architectural coating products must comply with the VOC standards and other requirements. These compliance dates are not changed from the compliance dates required under Chapter 40, Article 49 for Architectural and Industrial Maintenance Coating products. Necessary so that owners know when the VOC standards and other requirements are effective for their coating products within the areas specified.
N/A.	590. Test methods and procedures.	None.	Specifies the test methods that must be used to determine compliance with the standards. Necessary so that owners can find the proper test methods and use them to demonstrate whether their products are compliant or not.
N/A.	600. Monitoring.	None.	Specifies that the special monitoring provisions of Chapter 45, Part I apply to architectural coating products subject to this article. Necessary so that owners know to apply the general monitoring requirements to this product type.
N/A.	610. Notification, records and reporting.	None.	Specifies which recordkeeping and reporting special provisions of Chapter 45, Part I apply to architectural coating products and which do not. Necessary so that owners apply only those general recordkeeping and reporting requirements that are appropriate for this

			product type.
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 6. Emission Standards for Adhesives and Sealants.	N/A.	N/A.
N/A.	620. Applicability.	None.	Specifies that owners that manufacture, distribute, sell, apply and solicit the use of adhesive and sealant products within the Northern Virginia, Fredericksburg and Richmond VOC Emissions Control Areas are subject to the provisions of Article 6. Necessary so that owners know if they are subject to the provisions of this regulation and are able to identify which of their operations might be subject to standards under this article.
N/A.	630. Exemptions.	None.	Specifies that certain adhesive and sealant products, uses, package sizes, VOC content levels, and low usage operations are exempt from the provisions of Article 6. Allows the sale of non-compliant products to consumers that use add-on control technology to meet emissions limits. Also provides that adhesive and sealants that are subject to VOC standards under other regulations are exempt. Necessary so that owners can figure out which of their adhesive and sealant products and operations are subject to standards under this article, and which are not.
N/A.	640. Definitions.	None.	Defines and describes adhesive and sealant product types, product characteristics, persons, operations, authorities, documents and other terms necessary to administer the provisions of Article 6. Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.
N/A.	650. Standard for volatile organic compounds.	None.	Lists the adhesive and sealant product categories and the VOC content standards applicable to those product categories. Also specifies surface preparation, cleanup and waste requirements and prohibits the manufacture, distribution, sale, application and solicitation for the use of noncompliant products and any noncompliant uses for adhesives and sealants (such as improper storage of

			waste). Necessary so that owners know which VOC content criteria must be met and what the performance standards are for uses of adhesive and sealant products, so that only compliant coating products are manufactured, distributed within the Northern Virginia area, offered for sale and used properly there.
N/A.	660. Control technology guidelines.	None.	Specifies that efficient add-on control technology may be used by consumers and contractors on site to control VOC emissions from adhesive and sealant products that would otherwise be considered noncompliant. Specifies the necessary efficiency requirements and performance and monitoring requirements for the add-on control technology. Necessary to allow consumers to have the operational flexibility to use noncompliant products under circumstances that achieve the required emissions reductions by other means.
N/A.	670. Standard for visible emissions.	None.	Applies the existing source visible emissions standard of Chapter 40 to adhesive and sealant operations that are subject to Chapter 45, Article 6. Necessary so that owners do not conduct any adhesive and sealant operations in such a manner so as to produce unnecessary visible emissions.
N/A.	680. Administrative requirements.	None.	Specifies that each adhesive and sealant product must be labeled with any applicable thinning recommendations, the coating VOC content as supplied, and the VOC content as applied. Necessary so that Department personnel can easily determine whether each adhesive and sealant product is compliant.
N/A.	690. Compliance.	None.	Specifies that the special compliance provisions in Part I of Chapter 45 apply to owners and their adhesive and sealant products. Necessary so that owners know where to look in order to comply with general compliance provisions of Chapter 45.
N/A.	700. Compliance schedules.	None.	Specifies that those adhesives and sealant products subject to the provisions of Article 6 must comply with the VOC content standards and other requirements no later than May 1, 2010. Necessary so that owners know when the VOC content and applicable performance standards are effective for their products and operations.
N/A.	710.	None.	Specifies that the testing special

	Test methods and procedures.		provisions of Chapter 45, Part I and the listed test methods must be used to determine compliance with the standards. Necessary so that owners can find the proper test methods and use them to demonstrate whether their products and operations are compliant or not.
N/A.	720. Monitoring.	None.	Specifies that the special monitoring provisions of Chapter 45, Part I apply to consumer products subject to this article. Necessary so that owners know to apply the general monitoring requirements to this product type.
N/A.	730. Notification, records and reporting.	None.	Specifies that the recordkeeping and reporting special provisions of Chapter 45, Part I apply and requires that records of certain information on the adhesive and sealant products, operations and add-on control technologies must be kept for five years and made available to the board upon request. Necessary so that owners know they are responsible to keep records on products and controls and to provide that information as necessary to demonstrate their compliance with the standards and requirements of the article or their exemption status.
N/A.	740. Registration.	None.	Requires that owners that use add-on control technology to comply with the requirements of the article to register with the board. Necessary so that the board is aware of who must keep and provide compliance records for add-on control technologies, so that the board can confirm that noncompliant products may be sold to them.
N/A.	750. Facility and control equipment maintenance and malfunction.	None.	Requires that regulatory maintenance and malfunction requirements apply. Necessary because improper use, poor maintenance or malfunction of add-on control technology will result in excess emissions. Required because the special provisions of Chapter 45, Part I specified that the maintenance and malfunction provisions of Chapter 20 did not apply unless otherwise stated in the Article.
N/A.	Chapter 45, Part II. Emission Standards.	N/A.	N/A.
N/A.	Article 7. Emission Standards for Asphalt Paving	N/A.	N/A.

	Operations.		
N/A.	760. Applicability.	None.	Specifies that owners that conduct any of the operations normally associated with asphalt paving (mixing, storing or applying liquefied asphalt) within any VOC Emissions Control Area, are subject to the provisions of Article 7. Necessary so that owners know whether or not they are subject to the provisions of this regulation and are able to identify which of their operations might be subject to standards under this article.
N/A.	770. Definitions.	None.	Defines and describes certain asphalt paving product types, product characteristics, and paving operations necessary to administer the provisions of Article 7. Necessary so that owners can identify with certainty those products, persons and operations that are subject to standards and other provisions of the article.
N/A.	780. Standard for volatile organic compounds.	None.	Prohibits the use of any liquefied asphalt product for paving operations unless the product is an emulsified asphalt product, but permits the use of cutback asphalt outside of the ozone season and for certain other uses. Also specifies that the regulation is not intended to apply to the mixing and use of asphaltic concrete. Some averaging of VOC contents is permitted. Necessary so that owners know when the mixing, storage and use of cutback asphalt is prohibited and when it is permitted within the Northern Virginia area.
N/A.	790. Standard for visible emissions.	None.	Applies the existing source visible emissions standard of Chapter 40 to paving operations. Necessary so that owners do not conduct any paving operations in such a manner so as to produce unnecessary visible emissions.
N/A.	800. Standard for fugitive dust/emissions.	None.	Applies the existing source fugitive dust and emissions standard to paving operations. Necessary so that owners do not conduct any paving operations in such a manner so as to produce unnecessary fugitive dust or emissions.
N/A.	810. Standard for odor.	None.	Applies the existing source odor standard to paving operations. Necessary so that owners do not conduct any paving operations in such a manner to produce odorous emissions that might reasonably be avoided.

N/A.	820. Compliance.	None.	Specifies that the special provisions in Part I of Chapter 45 apply to owners that conduct paving operations. Necessary so that owners know that the special compliance provisions apply where applicable.
N/A.	830. Test methods and procedures.	None.	Specifies that the special provisions in Part I of Chapter 45 apply to owners that conduct paving operations. Necessary so that owners know that the special testing provisions apply where applicable.
N/A.	840. Monitoring.	None.	Specifies that the special monitoring provisions of Chapter 45, Part I do not apply to owners that conduct paving operations. Necessary so that owners know not to apply the general monitoring requirements to this product type.
N/A.	850. Notification, records and reporting.	None.	Specifies that the special provisions in Part I of Chapter 45 apply to owners that conduct paving operations. Necessary so that owners know that the special recordkeeping and reporting provisions apply where applicable.

**Acronyms and definitions**

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

"EPA" means the Environmental Protection Agency

"NAAQS" means national ambient air quality standards required by Section 109 of the Clean Air Act, and are the ambient air quality standards specified in 9VAC5-30.

"NO<sub>x</sub>" means nitrogen oxides as defined in 9VAC5-10-20.

"OTC" means the Ozone Transport Commission, a multi-state organization created under the authority of the Clean Air Act for the purpose of reducing ambient air ozone within the northeast ozone transport region.

"SIP" means state implementation plan as defined in 9VAC5-10-20.

"VOC" means volatile organic compound as defined in 9VAC5-10-20.